

away and I tried to keep him from killing himself, as he apparently sought to do. He cocked the gun during the struggle and while we were fighting for the possession of the gun, he managed to shoot at Pearl as she was rising from the floor. The bullet struck her in the breast. He withheld the gun to his breast and fired the third shot, which passed through his body and hit me in the shoulder. The shock stunned us so that I got up. The blood began to flow. I got up. The bushes were there again in my confusion. I went to Senator's drug store to get some bandages.

Pearl was still there until yesterday afternoon, but had not seen Daugherty for a few days, and that the only time he mentioned his having quarreled with the Hayes woman was on his road to her home.

Daugherty came to Tulsa about two years ago. For most of a year he and Ellington served on the police force, both settling soon after the new city administration went into office. During much of the time he remained at the Ellington home, and at the time he left he had not paid all of his board bill. It afterwards paid part of it.

Daugherty then took up the road traveling from one rodeo house to another, after a short time it is said, to become a Pearl traitor. It is said that they had had several quarrels recently.

Recently Daugherty had been employed by a local tank company, together with young Thompson, who is said to have been the cause of the bad feelings on the part of the ex-police chief.

Daugherty is said to have led a checkered career. Drunk is ascribed as the reason for his downfall, though his father is said to have remonstrated and urged him to return to his home and promised that he would take care of the bills. Daugherty came to Tulsa from Oneida, where he had been for a long time.

He left the Joslin mining district about a year ago according to a dispatch from Joslin. He had a wife and one child, an 11-year-old daughter, from whom he was separated three years ago after indifferent attempts to keep them from the door. It is said that drinking was the cause of his departure from home and breaking with his father, though the latter is said to have written to him often, urging him to return home. His family in business generally failed and he has been for a long time.

The 18-year-old daughter lives with her grandmother, Mrs. Hilda Gardner, of Joslin. Daugherty's home is just east of Prospect, one of the towns of the mining district. Mrs. Cora Daugherty, wife of the dead man, is assistant secretary of the Muskogee Fair Association, who formerly helped promote the Krell fair in Carthage, Mo. Daugherty was an indirect heir of the estate of W. A. Daugherty, which is said to be very wealthy, probably worth from \$100,000 to \$200,000.

On coming to Tulsa nearly two years ago, Daugherty first drove a wagon for Scout Younger, then conducting a meat market. He became policeman a year ago during the summer, and after serving for a time quit the force to go into other business. Along the march of this year he again became a member of the force and served until near the retirement of the Mitchell administration.

Daugherty was of a gloomy disposition and did not have much to say to others. He did not talk of his troubles to anyone. His friends say that they had noticed no change in his condition recently, others that he appeared as somewhat nervous shortly before his visit to the Hayes place. Whether or not he had contemplated before hand the killing of the woman he said nothing to anyone that could indicate that he had that end in mind. It is believed that he had thought of doing so, and that he committed with trepidation the return to the Hayes home with the intention of taking the woman's life.

Pearl Hayes, the slain woman, was about 28 years of age. Her husband is said to be a resident of Missouri. Mrs. Hayes had been in Tulsa for the past several years. It is said that her husband came to Tulsa six or seven months ago and took her back to his home in Missouri, but that she deserted him again and returned to her resort in Tulsa.

She is said to have avoided giving much trouble to the police. On one occasion sometime ago she is said to have captured a man and held him until the arrival of the police. Another woman who is said to be her friend was on a negro street when the police were on their way to that section of the town in response to the alarm. Little is known of the woman's past by the police. She was rather a good-looking woman.

Daugherty's sister, stated the City Hall, and while there talked over the probabilities of again becoming a politician. He was given little encouragement in this regard.

An inquest will be held this morning at 10 o'clock over the merits of Daugherty and his wife at the County understanding room.

Investigation is continuing regarding the case of Pearl Hayes, and the right is being taken in Tulsa, Mo. A life insurance policy with the same as parents to the deceased was found among her personal possessions. The policy was made payable to William Whitman.

Chief of Police Charles Clegg telegraphed to the offices of the American League, calling for the arrest of Daugherty, last night, and was doing so this morning. Mr. A. L. Clegg, police chief with the same as parents to the deceased, was found among her personal possessions. The policy was made payable to William Whitman.

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REJECT IDEALS OF EX-FORESTER

RESOLUTIONS COMMITTEE OF MINING CONGRESS IS FOR CONSERVATION—BUT

By Associated Press

Terrace, Ind., and Oshkosh, Wis., Both Report Good Gains

Washington, Sept. 28.—The members of the American Mining Congress are for the conservation of national resources—that is, conservation which will eliminate waste, but are opposed to the plutonic ideal.

This summarizes the sentiment of a majority of the delegates on the second day report of the committee on resolutions and it presages the rejection of the former chief of forest theories.

NEVADA, MO., SHOWS DECREASE

Terrace, Ind., and Oshkosh, Wis., Both Report Good Gains

Washington, Sept. 28.—The population of Nevada, Mo., is 7,436, as compared with 7,481 in 1900, a decrease of 2.5%.

The population of Terrace, Ind., is 68,157, an increase of 21,484, or 48.8 per cent, over 1900.

The population of Oshkosh, Wis., is 32,082, an increase of 4,778, or 16.9 per cent, over 28,284 in 1900.

OKLAHOMA HAS A GOEBEL LAW

ELECTION MEASURE HAS ALL THE FAMOUS CHARACTERISTICS

HOW COUNT IS MADE

Either the Old or New Legislature May Act Officially Over Ballots-Up to Governor

Grand Optics Tuesday—This afternoon, as the general election returns will be presented by Manager George T. Tandy's agents. The ballot will be "Miss Nobody" from start to finish.

Hogan to McAlister.—L. T. Hogan, in charge of racing horses, thinks many will want to see McAlister for his return. He has been offered this place, returning to John Churchill, a recent graduate of McAlister.

Mrs. Wright Dies at Peasey—Mrs.

and Mrs. M. P. Wright have returned from Peasey where they were called on behalf of the Arkansas Mrs. Frank Wright died. Wright was a graduate of 1906.

Woodmen Go to Haskel—The Woodmen will go to Haskel next Wednesday evening to meet and set the world on that point and emphasize the slogan "The Larger Team is Better." The larger team of 100 men will be a number of others, including about twenty in the 100's.

Brown Takes Evidence Here—W.

D. Brown was here from Muskogee yesterday. He is special examiner for the United States and has been taking witness testimony in the case of the United States vs. the Pacific Oil and Gas Company.

The returns for every election for all elective state officers will be sealed and transmitted to the returning officers to the secretary of state appointed to the election of the house of representatives who shall immediately open the sealed documents and before proceeding to other business open and publish the same in the presence of a majority of each branch of the legislature, who shall for that purpose assemble in the hall of the House of Representatives. The persons respectively having the highest number of votes for either of the said offices shall be declared duly elected; but in case two or more shall have an equal and the highest count, no voter or either of said offices shall be voted for either of said offices, and the legislative shall, notwithstanding, in the joint ballot choose one of the said persons as having an equal and the highest number of votes for either of them.

If the election returns should indicate that a majority of the new legislative members elected on November 8 are Republicans or hostile to the present Democratic administration, the governor may call the old legislature to make the canvass. Under Sections 9 and 10 of Article 3 of the constitution it is provided that the term of the members of the legislature shall begin on the fifteenth day after the regular election. This will make the term of all members elected in the fall of 1910 begin on November 15.

Therefore, if the returns should indicate that a majority of the legislative members are not hostile to the administration, the governor can wait until after November 15 to assemble the new Third legislature. In special session to canvass the returns. Suppose however, the governor would choose to call a special session at all, then what would happen?

Under Section 26 of Article 6 of the constitution it is provided that the regular session of the legislature shall meet at the seat of government on the first Tuesday after the first Monday in January in the year next succeeding their election. Under this provision therefore, the members elected on November 8 must meet in regular session on January 2, 1911. But this would not affect the governor's power to call a special session to canvass the returns for state officers elected on November 8. In the event that Section 4 of Article 3 of the constitution provides:

"The term of office of the governor, lieutenant governor, secretary of state, state auditor, attorney general, state treasurer, state examiner and inspector and superintendent of public instruction shall be four years from the second Monday in January next after after their election." Under this section the returns elected on November 8, 1910, or six days after the legislature shall convene, the returns thereof will be no means of knowing which of the elected state officers who are the elected state officers.

And Section 20 of Article 5 of the constitution provides that each house shall be the judge of the elections returns and qualifications of its own members. The legislature elected on November 8, and therefore invested with the qualifications of all its own members.

In effect Article 5 of Article 6 of the constitution—which provides that the legislature shall can-

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shall be the elected state officers—

is section 1 of Article 4 of the general election law now in force which provides:

"The state election board shall

make all county boards have immediate access to the ballot boxes of each election to the extent that all officers

of the election board have reported the returns of all officers

of the election board in their respective counties to the county boards.

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